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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/092,100	03/06/2002	Robert S. Robinson	ROBI-22US	8012
26875	7590	11/16/2004		
WOOD, HERRON & EVANS, LLP 2700 CAREW TOWER 441 VINE STREET CINCINNATI, OH 45202				
EXAMINER NICOLAS, FREDERICK C				
ART UNIT			PAPER NUMBER	
3754				

DATE MAILED: 11/16/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/092,100

Applicant(s)

ROBINSON, ROBERT S.

Examiner

Frederick C. Nicolas

Art Unit

3754

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 November 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-45 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-26, 28-39 and 41-45 is/are rejected.
- 7) ☒ Claim(s) 27 and 40 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☒ Interview Summary (PTO-413)
Paper No(s)/Mail Date 11/10/2004.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 9/24/2004 has been entered.

Supplemental Response

2. The supplemental response filed on 11/5/2004 has been entered.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claim 3 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

I- As to claim 3, the claimed limitation "a spigot handle" as recited in line 1, and "a spigot handle" as recited in claim 1, lines 4-5, are vague and unclear because it is not clear if the claimed limitation in claim 3, line 1, "a spigot handle" is the same as the claimed limitation noted in claim 1 above. Applicant should restructure the claimed language to prevent double inclusion throughout the claims.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1-5, 19, 44-45 are rejected under 35 U.S.C. 102(b) as being anticipated by Smith, Jr. 4,713,859.

Smith, Jr. discloses a wheeled receptacle (10) for applying a liquid to a surface on which the wheeled receptacle is supported, which comprises a circumferential sidewall (36), a bottom wall (42) connected to the circumferential sidewall, at least two wheels (56,60), a steering handle (160) for guiding the wheeled receptacle on the surface, a spigot (22), a spigot handle (98) connected to the spigot, the spigot handle being elongated and extending upward from the spigot as seen in Figure 5, the wheeled receptacle containing a liquid (col. 2, ll. 38-43), a third wheel (58), the spigot has a selectively-adjustable valve (18), which is operable between a fully-open position and a fully-closed position (col. 2, ll. 49-68 onto col. 3, ll. 1-2), and adjusting the selectively-adjustable valve to a position between the fully-open position and the fully-closed position (col. 5, ll. 36-52), the wheeled receptacle has a speed and adjusting the speed of the wheeled receptacle across the surface (it is inherent that the wheeled of Smith, Jr. has a speed and adjusting the speed of the wheeled receptacle would necessarily result in the same function as claimed, a mop wringer (12).

The wheeled receptacle shown by Smith, Jr. will perform the method recited in claims 1-5,10,19,44-45 during normal operational use of the receptacle.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 6-7,22-26,28-30,35-39,41-43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Smith, Jr. 4,713,859 in view of Williams 4,545,531.

Smith, Jr. has taught all the features of the claimed invention except that the wheeled receptacle has a width indicator. Williams shows a wheeled receptacle (10) having a width indicator for comparing the width of the liquid on the surface (col. 3, ll. 3-20).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the wheeled receptacle of Smith, Jr. by providing Smith's width indicator (24,26) onto the wheeled receptacle of Smith, Jr., in order to allow pre-adjustment of the product's width, as taught by Williams in (col. 3, ll. 3-20).

9. Claims 8-9,20-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Smith, Jr. 4,713,859 in view of Taylor 5,333,353.

Smith, Jr. has taught all the features of the claimed invention except that the steering handle of the wheeled receptacle is being connected to the mop-wringer.

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Taylor shows a wheeled receptacle having a mop-wringer (1), a handle (2), where the handle being used as steering handle for the wheeled receptacle (col. 3, ll. 33-39).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to substitute the mop-wringer of Smith, Jr. with Taylor's mop wringer, in order to facilitate the use of the handle of the mop-wringer to propel and steer the bucket, as taught by Taylor in (col. 3, ll. 33-39).

10. Claims 10-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Smith, Jr. 4,713,859.

Smith, Jr. has taught all the features of the claimed invention except that the step of determining, prior to the guiding step, a path for the wheeled receptacle to take across the surface, the path determining the selected area of the surface.

At the time the invention was made, it would have been an obvious matter of design choice to a person having ordinary skill in the art merely dependent upon the user desired path surface for the wheeled receptacle or the most affected path surface that the wheeled receptacle will be most effective on.

As to claim 11, the limitation the path is an inverted substantially-U-shaped path, as viewed from above the surface and the path having a first leg-portion and a second leg-portion connected by a base portion.

At the time the invention was made, it would have been an obvious matter of design choice to a person having ordinary skill in the art to provide an inverted substantially-U-shaped path as such, in order to provide better control over the selected path.

Further, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to change the shape of the path to a U-shaped path as claimed, since it has been held that a change in the shape of the element involves only routine skill in the art. As per MPEP 2144.04IV.

As to claim 14, the limitation that the spreading step including moving the floor-contacting member in a serpentine pattern via the floor-tool handle.

At the time the invention was made, it would have been an obvious matter of design choice to a person having ordinary skill in the art to move the floor-contacting member in a serpentine pattern via the floor-tool handle as such, in order to provide a faster and more efficient pattern of covering a selected path.

11. Claims 16-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Smith, Jr. 4,713,859 as applied to claim 15 above, and further in view of Biggs et al. 5,920,944.

Smith, Jr. has taught all the features of the claimed invention except that the floor tool handle includes a bend. Biggs et al. teach the use of providing a floor-tool handle having a bend 34.

It would have been obvious to one having ordinary skill in the art at the time the invention was to utilize Biggs' teaching onto the conventional floor-tool handle of Smith, Jr. as such, in order to have the person doing the mopping can guide the mop in a wide sweep covering a greater area than is possible with a customary mop and handle, and with very little effort and none of the injury producing effects of the use of a normal mop, as taught by Biggs (col. 3, ll. 9-19).

12. Claims 31-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Smith, Jr. 4,713,859 in view of Robinson 6,206,980.

Smith, Jr. has taught all the features of the claimed invention except that at least another of the wheels being a non-caster wheel. Robinson teaches the use of a wheeled receptacle having four wheels, where at least one of the wheels being a non-caster wheel (col. 5, ll. 36-45).

It would have been obvious to one having ordinary skill in the art to utilize Robinson's teaching onto the receptacle of Smith, Jr. by substituting the two of the caster wheels of Smith, Jr. with Robinson's two non-caster wheels, in order to enable a single person to move the receptacle from one location to another with ease, as taught by Robinson (col. 5, ll. 42-45).

Allowable Subject Matter

13. Claims 27 and 40 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

14. Applicant's arguments filed 11/5/2004 have been fully considered but they are moot in view of the new ground rejection.

Conclusion

15. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Nguyen et al. 4,630,965, Young 4,716,619, Smith, Jr. 4,908,904, Finnell 1,767,840 and O'Neil 3,747,154 disclose other types of wheeled receptacle.


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16. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Frederick C. Nicolas whose telephone number is (703)-305-6385. The examiner can normally be reached on Monday - Friday from 9:00 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Y Mar, can be reached on 703-308-2087. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

FN
November 10, 2004


Frederick C. Nicolas
Patent Examiner
Art Unit 3754